



STP

Protecting, maintaining and improving the health of all Minnesotans
JAN 17 AM 3:22

December 28, 2006

Janet R. Schlueter, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs
United States Nuclear Regulatory Commission
Washington, DC 20555

Dear Ms. Schlueter:

In 2006, the State of Minnesota entered into an Agreement with the Commission under Section 274b. of the Atomic Energy Act of 1954, as amended. Under that Agreement, the State licenses byproduct material as defined in Section 11e.(1) of the Atomic Energy Act. In addition, the State licenses the naturally occurring and accelerator produced radioactive materials now defined as byproduct material in paragraph (3) or 4 of Section 11e of the Atomic Energy Act of 1954, as amended.

The Minnesota Department of Health's (MDH's) program for licensing the new byproduct material is not separate and distinct from the program for licensing 11e.(1) byproduct material and no changes have been made to the licensing program that would impact the Commission's decision to enter into the Agreement. Further, we intend to continue to license the new byproduct material under this same program.

Accordingly, in his letter dated September 7, 2006, Governor Tim Pawlenty certified to the Commission that the State of Minnesota has a program for licensing byproduct material, as defined in paragraph (3) or (4) of Section 11e. of the Atomic Energy Act of 1954, as amended, that is adequate to protect the public health and safety, and that the State intends to continue to implement our regulatory responsibility with respect to the byproduct material.

Governor Pawlenty's letter did not link the certification to the effective date of the "Transition Plan." At your staff's request, as the State Liaison Officer, I confirm that this certification should be considered effective on the date of publication of the NRC's "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material."

STP-006-Implite

SUNSI Review complete

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If you have any questions concerning this response, please contact George F. Johns, Jr. at (651) 201-4530 or me at 651-201-4675.

Respectfully,

A handwritten signature in cursive script, appearing to read "John Linc Stine".

John Linc Stine, Director
Environmental Health Division
PO Box 64975
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